

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re:)	CHAPTER 7
)	
TIP TOP TUX, LLC, <i>et al.</i>)	CASE NO. 23-57716-JRS
)	
<u>Debtors.</u>)	(Jointly Administered)

**TRUSTEE’S RESPONSE TO MOTION TO COMPEL
PAYMENT OF POST-PETITION RENT**

COMES NOW Jason L. Pettie, as Chapter 7 Trustee (“**Trustee**”) for the bankruptcy estate of Tip Top Tux, LLC (the “**Debtor**”), and hereby files this limited response to the Motion to Allow Administrative Priority Claim that was filed on December 8, 2023 [Doc. No. 109] (the “**Motion**”) by KFLP Equity 3, LLC (“**Creditor**”)

1. Creditor appears to be entitled to an allowed administrative expense claim for post-petition rent pursuant to 11 U.S.C. §§ 365(d)(3) and 503, and the claim should be pro-rated through the date of rejection of Creditor’s lease (October 12, 2023).

2. Based on Trustee’s calculations, the allowed amount of Creditor’s claim should be no more than \$9,008.99, as Creditor is entitled to the prorated stub rent amount for the post-petition period. *See Gwinnett Prado, L.P. v. Rhodes, Inc. (In re Rhodes, Inc.)*, 321 B.R. 80 (Bankr. N.D. Ga. 2005).

3. Trustee submits that payment of allowed claims should be made pursuant to further order of this Court as such claims may be entitled to priority pursuant to 11 U.S.C. § 507.

WHEREFORE, Trustee respectfully request that this Court enter an Order: (i) allowing Creditor an administrative expense claim in the amount of \$9,008.99 which would be paid pursuant to further order of Court, and (ii) granting such other relief as is just and proper.

Respectfully submitted this 3rd day of January, 2024

TAYLOR ENGLISH DUMA LLP

By: /s/ Jason L. Pettie

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CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that I have served a copy of the foregoing pleading by mailing a copy thereof, via first class U.S. Mail in a properly addressed envelope with sufficient postage affixed, to the parties listed below:

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/s/ Jason L. Pettie

Jason L. Pettie